

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE  
NW/4 Poplar Road, 58.2 ft. NE  
of 571 Willow Road  
7603 Poplar Road  
12th Election District  
7th Councilmanic District  
Emma E. Hibbard  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Emma E. Hibbard for that property known as 7603 Poplar Road. The Petitioner herein seeks a variance from Sections 1802.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 2 ft., in lieu of the minimum required 7-1/2 ft., for an open projection (carport), as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of August, 1992 that the Petition for a Zoning Variance from Sections 1802.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 2 ft., in lieu of the minimum required 7-1/2 ft., for an open projection (carport), in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Lawrence E. Schmidt  
Zoning Commissioner  
for Baltimore County

LES/mm

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

August 25, 1992

Ms. Emma E. Hibbard  
7603 Poplar Road  
Baltimore, Maryland 21222

RE: Petition for Residential Zoning Variance  
Case No. 93-13-A

Dear Ms. Hibbard:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
encl.

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 2 ft., in lieu of the minimum required 7-1/2 ft., for an open projection (carport), as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

Of the Zoning Regulations of Baltimore County for the following reasons (include hardship or practical difficulty):

To Put car closer to house and under cover and easier accessible to owner.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

We agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that (we are the legal owner(s) of the property which is the subject of this petition).

Contract Purchaser:

(Type or print name)

(Signature)

Address

City State Zip Code

Attorney for Petitioner:

(Type or print name)

(Signature)

Address

City State Zip Code

Legal Owner(s):

(Type or print name)

(Signature)

Address

City State Zip Code

7603 Poplar Road 21222

Baltimore, MD 21222

Phone, address and phone number of owner, attorney or representative to be contacted.

Emma E. Hibbard

7603 Poplar Road 21222

Baltimore, MD 21222

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of August, 1992, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.



REVIEWED BY: [Signature] DATE: 8-24-92

ESTIMATED POSTING DATE: 8-24-92 ESTIMATED CLOSING DATE: 8-24-92



ZONING COMMISSIONER OF BALTIMORE COUNTY

ITEM # 5

AFFIDAVIT  
IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) hereunto competent to testify therein in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 7603 Poplar Road, Baltimore, MD 21222.

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (include hardship or practical difficulty):

I am a Senior Citizen and wish to put my car under cover and closer to my house and more accessible to enter from my door.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Emma E. Hibbard  
Signature  
Type or print name

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24 day of August, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Emma E. Hibbard

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

7-24-92

Blair J. [Signature]  
My Commission Expires: Aug 23, 1993

ZONING DESCRIPTION FOR 7603 POPLAR ROAD

Beginning at a point on the north side of Poplar Road which is 50' wide at the distance of 58.2' ± east of the centerline of the nearest improved intersecting street, Willow Road, which is 50' wide. Being Lot #68 in the subdivision of Northshire as recorded in Baltimore County Plat Book #14, Folio #29, containing 6,250 square feet or 0.1435 acres more or less. Also known as 7603 Poplar Road and located in the 12th Election District.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 12th Date of Posting: 8/24/92

Posted for: Variance

Petitioner: Emma E. Hibbard

Location of property: 7603 Poplar Rd, NW/4, 58.2' NE of Willow Rd

Location of Sign: [Signature] 7603 Poplar Rd, NW/4, 58.2' NE of Willow Rd

Remarks: [Signature]

Posted by: [Signature] Date of return: 8/24/92

Number of Signs: 1

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date: 7-24-92

Account: R 001-6150  
Number

Emma E. Hibbard  
7603 Poplar Rd (21222)  
Residential Variance  
(Administrative) - filing fee \$50  
+ \$150 = \$200  
85

Cashier Validation

Please Make Checks Payable To: Baltimore County  
EA 0010100007-24-92

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date

Account: R 001-6150  
Number

PERMIT TO ENTER PROPERTY  
WITH CARPORTING THE HOUSE  
FOR THE PURPOSE OF THE VARIANCE  
FOR THE PURPOSE OF THE VARIANCE

Cashier Validation

Please Make Checks Payable To: Baltimore County

111 West Chesapeake Avenue  
Towson, MD 21204

August 10, 1992

(410) 887-3353

Ms. Emma E. Hibbard  
7603 Poplar Road  
Baltimore, MD 21222

RE: Item No. 8, Case No. 93-13-A  
Petitioner: Emma E. Hibbard  
Petition for Administrative Variance

Dear Ms. Hibbard:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Your petition has been received and accepted for filing this  
24th day of July, 1992

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:

*W. Carl Richards Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Emma E. Hibbard

Petitioner's Attorney:

DPW/Developers Engineering Division (Public Services)  
Development Review Committee Response Form  
Authorized signature *Dennis A. Kennedy* Date *8/10/92*

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Raymond F. And Deborah D. Borsetti	25		8-3-92 NC
DED DEPRM RP STP TE			
✓ Robert L. And Jeannette McElroy	26		NC
DED DEPRM RP STP TE			
✓ Gary G. And Ilene S. Waitt	27		NC
DED DEPRM RP STP TE			
✓ Bruce P. And India V. Curry	6		NC
DED DEPRM RP STP TE			
✓ Herbert B. And Edith G. Querido	7		NC
DED DEPRM RP STP TE			
✓ Emma E. Hubbard	8		NC
DED DEPRM RP STP TE			
✓ Arthur Thomas Ward, III	9		NC
DED DEPRM RP STP TE			

COUNT 14  
FINAL TOTALS  
COUNT 17  
\*\*\* END OF REPORT \*\*\*

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING  
New Courts Building  
401 Bosley Avenue  
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief  
Development Review Section  
Office of Planning and Zoning

DATE: August 4, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - August 3, 1992

The Office of Planning and Zoning has no comments on the following petitions:

BRUCE & INDIA CURRY - ITEM 6  
HIBBARD, EMMA - ITEM 25  
BORSETTI, RYAMOND & DEBORAH - ITEM 25  
MCLEROY, ROBERT & JEANNETTE - ITEM 26  
WORTHMAN, JOHN & MARY - ITEM 17  
WARD, ARTHUR THOMAS - ITEM 9

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

RECEIVED  
AUG 11 1992  
ZONING OFFICE

8.5.92.TXT  
Petitns.txt

DPW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature *Rahmiz Famlif* Date *8/10/92*

Project Name	Waiver Number	Zoning Issue	Meeting Date
Gary G. And Ilene S. Waitt	27	W/L	8-3-92
DED DEPRM RP STP TE			
✓ Bruce P. And India V. Curry	6	N/C	
DED DEPRM RP STP TE			
✓ Herbert B. And Edith G. Querido	7	N/C	
DED DEPRM RP STP TE			
✓ Emma E. Hubbard	8	N/C	
DED DEPRM RP STP TE			
✓ Arthur Thomas Ward, III	9	N/C	
DED DEPRM RP STP TE			

COUNT 14  
FINAL TOTALS  
COUNT 16  
\*\*\* END OF REPORT \*\*\*

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: EMMA E. HIBBARD  
Location: #7603 POPLAR ROAD

Item No.: #8 (JJS) Zoning Agenda: AUGUST 3, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Noted and Approved*  
Planning Group  
Special Inspection Division

Noted and  
Approved  
Fire Prevention Bureau

JP/KEK

RECEIVED  
AUG 19 1992  
ZONING OFFICE

Department of Recreation and Parks  
Development Review Committee Response Form  
Authorized signature *Walter D. ...* Date *8/10/92*

Project Name	Waiver Number	Zoning Issue	Meeting Date
✓ Elise Boyce Kelsey, Trustee u/w Eliza Gillet Boyce Et Al	24	No Comment	8-3-92
DED DEPRM RP STP TE			
✓ Raymond F. And Deborah D. Borsetti	25	No Comment	
DED DEPRM RP STP TE			
✓ Robert L. And Jeannette McElroy	26	No Comment	
DED DEPRM RP STP TE			
✓ Gary G. And Ilene S. Waitt	27	No Comment	
DED DEPRM RP STP TE			
✓ Bruce P. And India V. Curry	6	No Comment	
DED DEPRM RP STP TE			
✓ Herbert B. And Edith G. Querido	7	No Comment	
DED DEPRM RP STP TE			
✓ Emma E. Hubbard	8	No Comment	
DED DEPRM RP STP TE			
✓ Arthur Thomas Ward, III	9	No Comment	
DED DEPRM RP STP TE			

COUNT 14  
FINAL TOTALS  
COUNT 19  
\*\*\* END OF REPORT \*\*\*

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

JULY 30, 1992

(410) 887-3353

Emma E. Hibbard  
7603 Poplar Road  
Baltimore, Maryland 21222

Re: CASE NUMBER: 93-13-4  
LOCATION: 86/8 Poplar Road, 58.2' NE of c/l Willow Road  
7603 Poplar Road  
12th Election District - 7th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a reaffirmation regarding the administrative process.

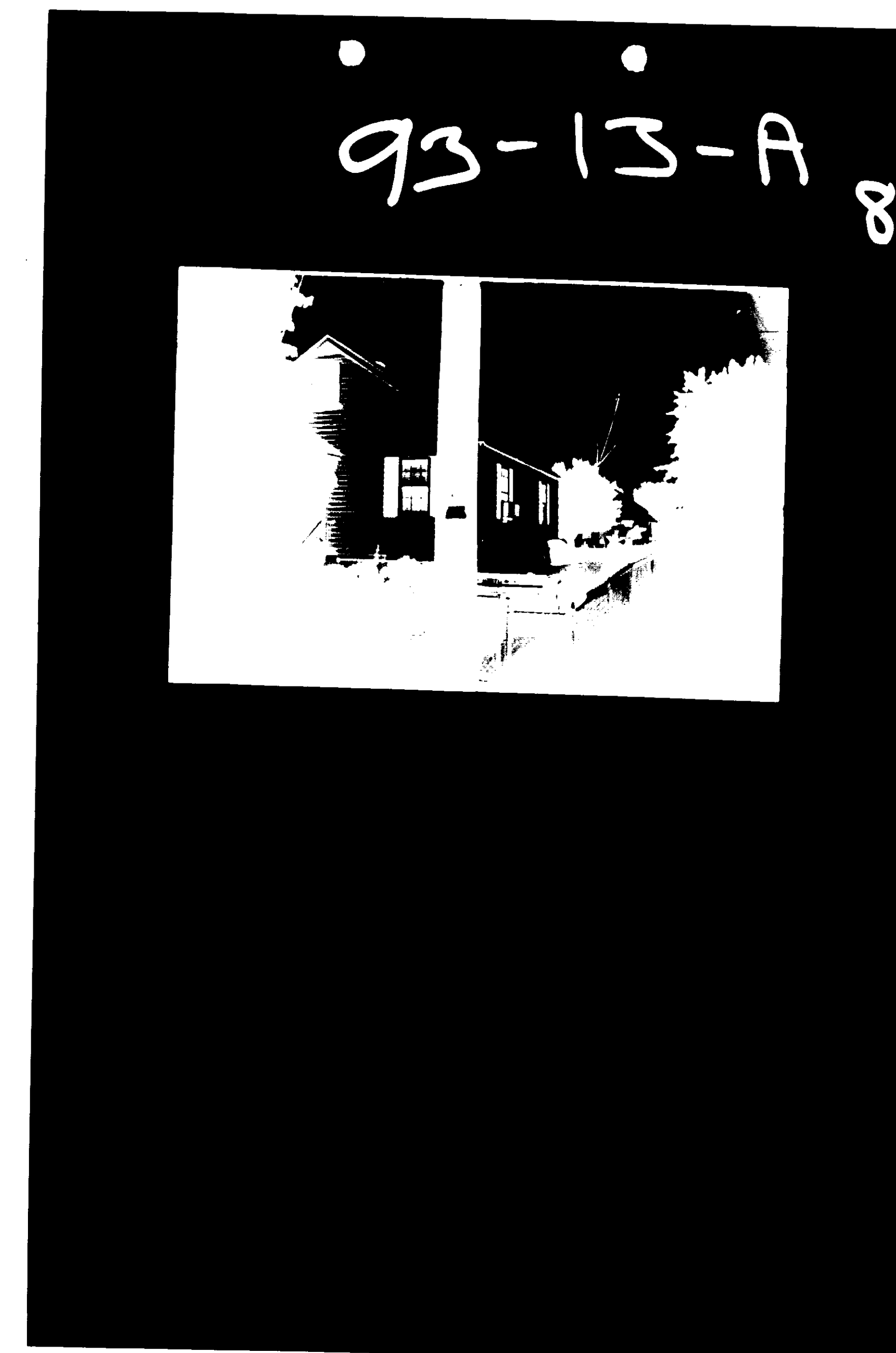
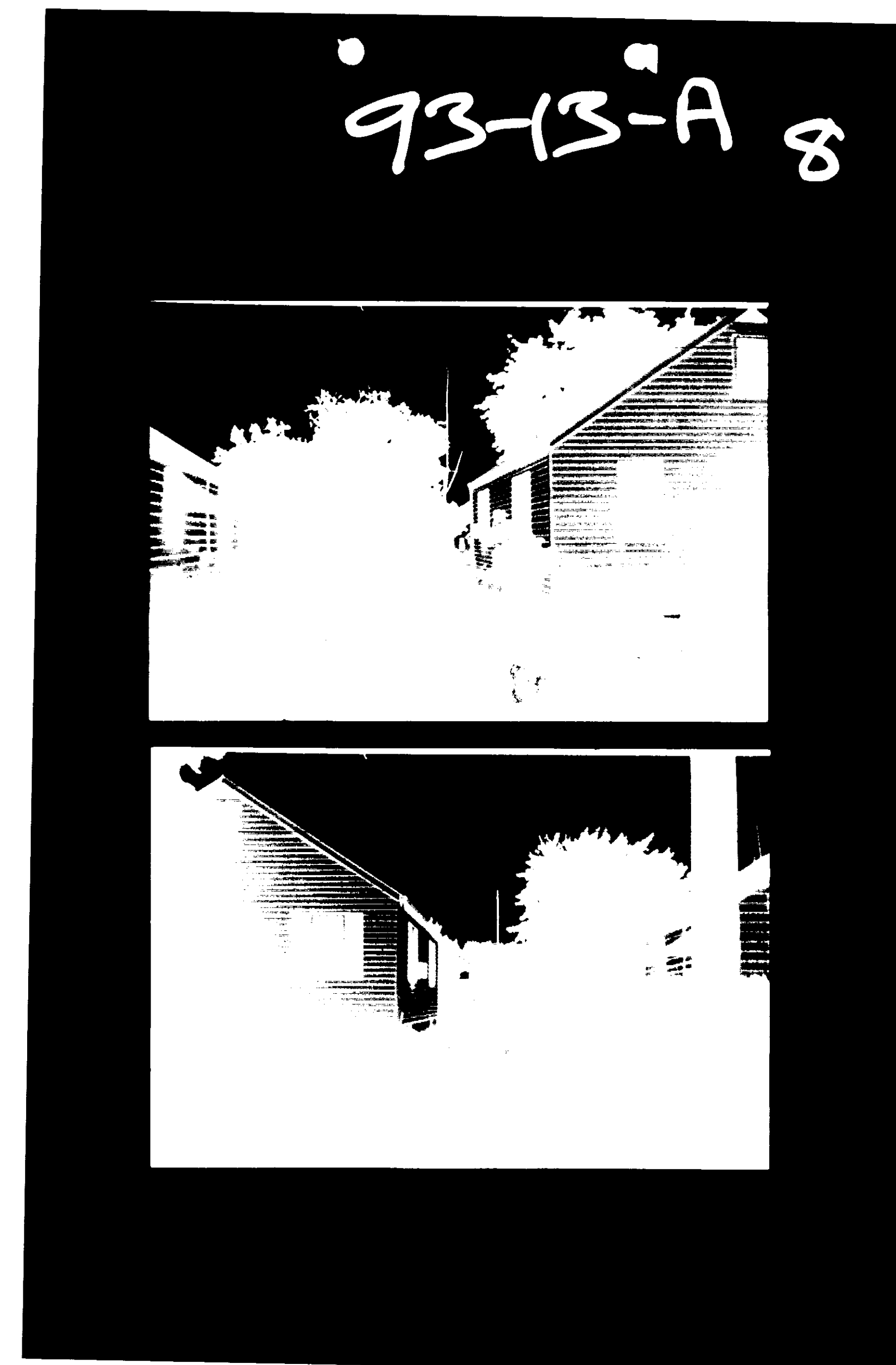
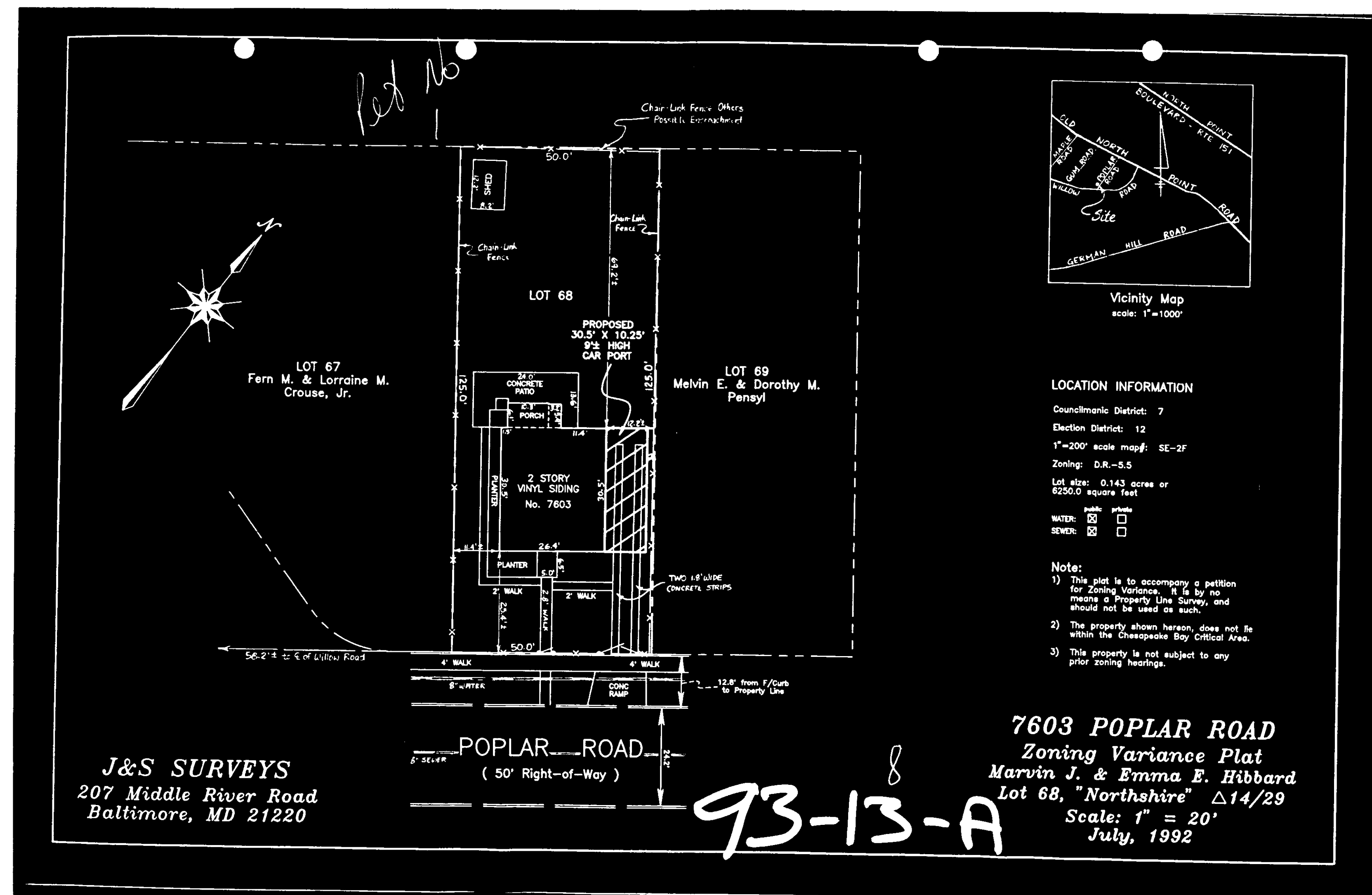
1) Your property will be posted on or before August 10, 1992. The closing date is August 24, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner, Baltimore County







# ORE COUNTY ANNING AND ZONING GRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	NORTH POINT GRAY MANOR	S.E. 2-F
DATE OF PHOTOGRAPHY JANUARY 1986		

93-13-A

#8